PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3621

EXAMINER: EVANS J. AUGUSTIN

In re application of: Dushyant Sharma)))	
Application No: 09/543,938))	
Confirmation No.: 7936))	For: SYSTEM AND METHOD FOR MANAGING MAIL/BILLS THROUGH A CENTRAL LOCATION
Filed: April 6, 2000))	
Attorney Docket No. 6582-RCE))	
Customer No.: 22922))	

Commissioner for Patents
MAIL STOP APPEAL BRIEF-PATENTS
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August 27, 2008

REPLY BRIEF

Sir:

Appellant, in response to the Examiner's Answer mailed June 27, 2008, and

pursuant to 37 C.F.R. § 41.41, hereby files this Reply Brief as part of the appeal on the

above-referenced patent application.

Reply to the Examiner -- Introduction

While most of the Examiner's Answer is a word-for-word repetition of the

September 30, 2005, Office Action, the Examiner has further elaborated on the argument

that was made in the September 30, 2005, Office Action. This argument is focused on

the second (and perhaps obliquely on the first) of Appellant's three (3) independently

sufficient reasons that the Section 102(e) rejection is invalid, namely the argument that

Savage, et al. reference does not teach or suggest a parsing functionality, since the system

and method described in the Savage et al. reference requires that all data be received in a

pre-established flat file line item format. Appellant notes that the Examiner's Answer has

not responded in a meaningful way to the third of Appellant's three (3) independently

sufficient reasons that the Section 102(e) rejection is invalid.

Observations and Arguments

I.   Input Processing Functionality Adapted to Receive Billing Data From a

Plurality of Billers in a Plurality of Different Billing Data Forms. Appellant's first

argument, which was made independently with respect to each of independent Claims 82

and 88, was that the Savage et al. reference does not teach or suggest "an input

processing functionality adapted to receive billing data from a plurality of billers in a

plurality of different billing data forms" (Claim 82) or "receiving electronic billing data

from a plurality of billers in a plurality of different billing data forms" (Claim 88). The

Examiner has responded inferentially rather than directly by stating:

"Savage takes a number of disparate billing statements that a consumer
receives from different entities, such as the energy 104, telecommunications
102 and credit card 106 statements. ... The invention by Savage receives
different billing data **feeds** from the different entities." Examiner's Answer,
page 6 (emphasis added).

It appears that the Examiner has failed to understand or otherwise recognize what

a different billing data form is -- namely, that different forms or formats for the data are

commonly used by different billers. The Examiner's Answer doesn't even use the words

included in Claims 82 and 88 – "different billing data forms," which is clearly described

in the specification to mean a different format of data -- but rather uses a term not used in

the claims, namely "different billing data feeds." Anyone of skill in the art will at once

recognize that different billing data feeds means that the data is coming from different

sources, but may be in the exact same form.

Indeed, the Savage et al. reference utterly fails to teach that the billing data is

received in different forms, but says precisely the opposite, namely that all data must be

received in a pre-established flat file line item format. Appellant submits that it is vastly

different to receive data from multiple billers in different billing data forms than to

merely receive data from a plurality of different billers "such as the energy 104,

telecommunications 102 and credit card 106 statements" in different feeds but all in the

same form, namely the pre-established flat file line item format. As such, Appellant

submits that the Examiner's Answer utterly fails to teach this element of Claims 82 and

88. The Board should reverse the rejection of Claims 82 and 88, and the claims that are

dependant thereupon, for this first and legally sufficient reason alone.

II.   Parsing Functionality for Handling Billing Data Received From a Plurality of

Billers in a Plurality of Different Billing Data Forms, Including Parsing the Data to

Transform the Billing Data Into a Common Document Model. Appellant's second

argument, which was made independently with respect to each of independent Claims 82

and 88, was that the Savage et al. reference does not teach or suggest "a parsing

functionality adapted to parse the billing data received from the plurality of billers in a

plurality of different billing data forms to transform the billing data into a common

document model wherein the transformed billing data is all of the same form" (Claim 82)

or "parsing in a computer the electronic billing data received from the plurality of billers

in a plurality of different billing data forms to transform the billing data into a common

document model wherein the transformed billing data is all of the same form" (Claim 88).

The Examiner has responded by stating:

> "The invention by Savage receives different billing data **feeds** from the
> different entities. Savage then **examines the data, validates it and
> calculates the different charges, including taxes (parsing)**. Additionally,
> Savage performs high level analysis, such as analyzing market/industry
> (par. 112-113), based on the data feeds that it receives from the different
> billers/ vendors. The data feeds that Savage receives from the different
> entities are automatically formatted (par. 23) to be combined into one
> billed." Examiner's Answer, pages 6 and 7 (emphasis added).

> Again, the Examiner has failed to understand or otherwise recognize what a

different billing data form is -- namely, that different forms or formats for the data are

commonly used by different billers. Again, the Examiner's Answer doesn't use the words

included in Claims 82 and 88 – "different billing data forms," which is clearly described

in the specification to mean a different format of data -- but rather uses a term <u>not</u> used in

the claims, namely "different billing data feeds." The Savage et al. reference thus fails to

teach that the billing data is received in different <u>forms</u>, instead saying precisely the

opposite, namely that all data must be received in a pre-established flat file line item

format.

The Examiner's Answer goes even further off the mark by asserting that

examining the data, validating the data, and calculating the different charges including

taxes is somehow the same as parsing electronic billing data received from a plurality of

billers in a plurality of <u>different billing data forms</u> to transform the billing data into a

common document model wherein the transformed billing data is <u>all of the same form</u>.

Appellant asserts, and one of skill in the art will immediately recognize, that examining

and validating data and calculating charges including taxes has nothing whatsoever to do

with transforming billing data received from plurality of billers in a multiple different

billing data forms into billing data all of the same form.

Additionally, the Examiner's assertion that the data feeds that the Savage et al

reference receives from different entities are automatically formatted to be combined into

one bill is entirely off-point, since merely putting billing data from multiple sources each

<u>in the same pre-established flat file line item format</u> into a combined bill is entirely

different from parsing billing data received from a plurality of billers <u>in a plurality of</u>

<u>different billing data forms</u> to transform the billing data into a common document model

<u>wherein the transformed billing data is all of the same form</u>. As such, Appellant submits

that the Examiner's Answer utterly fails to teach this element of Claims 82 and 88 as

well. The Board should reverse the rejection of Claims 82 and 88, and the claims that are

dependant thereupon, for this second and legally sufficient reason as well.

>   **III.   Biller Interactivity Functionality Coupled to the Database and Adapted to Allow the Plurality of Billers Individually to Retrieve and Review Transformed Billing Data from the Database and to Alter the Transformed Billing Data in the Database.** Appellant's third argument, which was made independently with respect to

each of independent Claims 82 and 88, was that the Savage et al. reference does not teach

or suggest "biller interactivity functionality coupled to the database and adapted to allow

the plurality of billers individually to retrieve and review transformed billing data from

the database and to alter the transformed billing data in the database" (Claim 82) or

"detecting and responding to electronic communications from the plurality of billers to

allow the plurality of billers individually to retrieve and review transformed billing data

from the database and to alter the transformed billing data in the database" (Claim 88).

The Examiner has failed to address this argument in any meaningful manner, but rather

has indicated a complete lack of understanding of this limitation of Claims 82 and 88 in

stating:

"Appellant is correct in that Savage sends to the different billers file consisting of records (flat file). This file is for backend communication between the billers and system. The file in question indicates all new service requests, modifications, and termination requests for products and services provided by the supply chain vendor 140. This file includes data relative to the action to be performed. Examples of such actions include a request for new service, acknowledgment of receipt of new service request and return of the vendor's order number. Other examples include an error in a new service request with appropriate error code or codes, acknowledgment of new service activation and return of the vendor's order number, a request for termination of service, acknowledgment of receipt of termination request, an error in termination request with error code or codes, and acknowledgment of termination of service (par. 77)."

First Appellant has not asserted that the Savage et al. reference "sends to the different billers [a] file consisting of records (flat file)." Rather, the Savage et al. reference receives billing data from each of a plurality of billers in a single pre-established flat file line item format. Bills in this format are sent to a bill aggregator, not back to the billers. Appellant further submits that the passage from the Examiner's Answer cited above utterly fails to teach or suggest in any way a biller interactivity functionality that is coupled to the database and is adapted to allow the plurality of billers individually to retrieve and review transformed billing data from the database and to alter the transformed billing data in the database.

Such a functionality is impossible because the Savage et al. reference does not need to, and in fact does not, transform the billing data received from multiple billers since it is by definition in the Savage et al. reference always received in a single format (the single pre-established flat file line item format) and thus need not be transformed.

Thus, in the use of the system described in the Savage et al. reference, billers are not able

to retrieve and review data after it has been received and transformed, and further billers

are not able to alter the transformed billing data. Nothing in the Savage et al. reference

teaches or suggests that billers have any ability to retrieve and review data after it has

been delivered to the bill aggregator described therein. As such, Appellant submits that

the Examiner's Answer utterly fails to teach this third element of Claims 82 and 88 as

well. The Board should reverse the rejection of Claims 82 and 88, and the claims that are

dependant thereupon, for this third and legally sufficient reason as well.

Conclusions

Accordingly, Appellant believes that the independent claims of the present

application are drafted in a manner which clearly defines them over the prior art for at

least three (3) reasons related to the absence of elements from independent Claims 82 and

88 in the Savage et al reference. The absence of any one of these elements from the

Savage et al. reference would be independently sufficient to overturn the Section 102(e)

rejection of Claims 82 and 88 based upon the Savage et al. reference. As such, all of the

dependant claims are believed to be patentable as well. Appellant believes that the

invention as presently claimed is novel and nonobvious over the cited art as well as all

other art of which Appellant are presently aware. Appellant accordingly respectfully

requests the removal of the rejection of pending Claims 2-10, 13, 17, 22-30, 32-34, 39,

41-43, 50, and 82-97, and the allowance of the present application.

Respectfully submitted:

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